

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

Case No. 16-mc-80206-KAW

IN RE PETITION OF JENNIFER  
GRANICK AND RIANA PFEFFERKORN

**ORDER SETTING BRIEFING  
SCHEDULE AND CONTINUING MAY  
3, 2018 STATUS CONFERENCE**

In preparing for the May 3, 2018 status conference, the Court has reviewed the motion for reconsideration of the D.C. District Court's February 26, 2018 opinion in *In re Leopold*, Case No. 13-mc-712-BAH (D.D.C.), as well as the petition and the Government's response filed in *In re Index Newspapers LLC*, Case No. 17-mc-145-RSL (W.D. Wash.).<sup>1</sup>

In particular, the Court finds that the Government's response in *In re Index Newspapers LLC* articulates many of the concerns that the Court has with the instant petition, including but not limited to: (1) whether Petitioners are essentially seeking structural reforms that are distinguishable from the Court's general supervisory powers over its records; (2) whether the failure to name a defendant raises issues of sovereign immunity; (3) whether the logic prong would apply to § 2703(d), pen register and trap and trace, and Stored Communications Act orders; and (4) whether there is a separate right of access to dockets where the dockets at issue are on matters that are sealed. The Court also continues to have concerns that the relief sought in the petition is overbroad. (*See* Dkt. No. 36 at 2-3.)

Accordingly, the Court ORDERS Petitioners to file a supplemental brief explaining why

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<sup>1</sup> The Court notes that the *In re Index Newspapers LLC* petitioners filed their reply on April 27, 2018, and that the matter will be noted for consideration on May 4, 2018. (*In re Index Newspapers LLC*, Dkt. Nos. 16, 18.)

1 the petition should not be denied for the reasons stated in the Government's response in *In re Index*  
2 *Newspapers LLC* by **June 15, 2018**. The Government shall file its response by **July 6, 2018**. The  
3 parties may also address arguments raised in the *In re Leopold* motion for reconsideration. The  
4 briefs shall be no more than **25 pages**. The Court CONTINUES the status conference set for May  
5 3, 2018 to **August 16, 2018 at 1:30 p.m.**

6 IT IS SO ORDERED.

7 Dated: May 1, 2018

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9 KANDIS A. WESTMORE  
United States Magistrate Judge